

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARLOW WILLIAMS, SR.,	)	
Plaintiff,	)	
	)	
	)	
v.	)	C.A. No. 04-12346-MLW
	)	
CITY OF BOSTON, et al,	)	
Defendants.	)	
	)	
	)	

MEMORANDUM AND ORDER

WOLF, D.J.

January 5, 2007

Pro se plaintiff Marlow Williams, an inmate incarcerated in Memphis, Tennessee, filed a complaint alleging that officers Grant Callendar, Otis Harewood, Greg Long, Brian Albert, Edward Meade, and John Conroy of the Boston Police Department violated his federal and state civil rights by using excessive force during the course of his arrest on February 4, 2003, and that the Boston Police Department was negligent in its hiring and training of these officers. In a September 30, 2005 order, this court denied defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

Since then, plaintiff has filed several motions: a writ of habeas corpus to attend a conference hearing (Docket No. 39); a motion requesting appointment of counsel and/or assistance from a legal advocate for a conference hearing (Docket No. 40); a motion requesting a case manager to oversee the conference hearing (Docket

No. 41); and a motion requesting the scheduling of a conference between the parties in order to facilitate out of court settlement of the case (Docket No. 42). In November, 2006, defendants moved for dismissal on the basis of plaintiff's failure to prosecute this case. Docket No. 45.

Plaintiff has not responded to defendants' motion to dismiss. Nor has plaintiff made a filing in this case since April, 2006. His last contact with the court was a request for a copy of the docket in this case, dated May 17, 2006. Plaintiff also has not responded to defendants' discovery requests and has not provided the court with an update on the prospects for settlement or the merits of a summary judgment motion, pursuant to the September 30, 2005 Scheduling Order. Defendants' argument that plaintiff has failed to prosecute his case therefore appears meritorious.

Moreover, at present there is no conference scheduled, and no demonstrated need to appoint counsel or a case manager to oversee the conference or to grant habeas so that plaintiff may attend the conference. Also, given that plaintiff has not provided the court with an update on settlement prospects and that defendants have indicated that they will not consider settlement at this time, a settlement conference is unnecessary. Therefore, plaintiff's motions are being denied.

Accordingly, it is hereby ORDERED:

1. Plaintiff's motions for a writ of habeas corpus to attend a conference hearing (Docket No. 39), requesting appointment of

counsel and/or assistance from a legal advocate for a conference hearing (Docket No. 40), requesting a case manager to oversee the conference hearing (Docket No. 41), and requesting the scheduling of a conference between the parties in order to facilitate out of court settlement of the case (Docket No. 42) are DENIED.

2. Plaintiff shall, by February 9, 2007, file an affidavit and supporting memorandum if he wishes to oppose the motion to dismiss for failure to prosecute this case. Should plaintiff fail to do so, his petition may be dismissed with prejudice.

/s/ MARK L. WOLF  
UNITED STATES DISTRICT JUDGE